

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SILVON S. SIMMONS,

Plaintiff,

-VS-

**JOSEPH M. FERRIGNO, II, SAMUEL
GIANCURSIO, MARK WIATER, CHRISTOPHER
MUSCATO, ROBERT WETZEL, MICHAEL L.
CIMINELLI, JOHN DOES 1-20, CITY OF
ROCHESTER, SHOTSPOTTER, INC., SST, INC.,
JOHN DOES 21-30, and PAUL C. GREENE,**

Defendants.

PROPOSED DISCOVERY PLAN

Civil Action No. 6:17-cv-6176-MAT

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties, by and through their attorneys, have conferred and submit this Proposed Discovery Plan for the management of pretrial discovery practice, as follows:

1. Magistrate Judge jurisdiction: The parties have not unanimously consented to Magistrate Judge jurisdiction under 26 U.S.C. § 636(c).
2. Deadline for Rule 26(a)(1) mandatory disclosure requirements: **November 22, 2019**
3. Deadline for filing motion to amend the pleadings or add parties: **December 2, 2019**
4. Deadline for Plaintiff to disclose the entire transcript of the criminal trial referenced in the Complaint and all trial exhibits/submissions as well as all non-privileged portions of Plaintiff's criminal defense counsel's file (to be discussed at the Rule 16 Conference): **December 20, 2019**

5. Deadline for completion of fact discovery: **May 8, 2020**
6. Deadline for Plaintiff to serve Rule 12(a)(2) expert disclosure: **May 29, 2020**
7. Deadline for Defendants to serve Rule 12(a)(3) expert disclosure: **June 26, 2020**
8. Deadline for rebuttal expert reports: **July 10, 2020**
9. Deadline for the completion of all expert discovery: **July 10, 2020**
10. Deadline for the filing of motions to compel discovery: **July 31, 2020**
11. Proposed Orders under Rule 26(c) – protective/confidentiality orders: **December 6, 2019**
12. Proposed changes in limitation on discovery under Rule 30(d)(2) and Rule 33(a):
None is anticipated at this time.
13. Issues concerning discovery of electronically stored information: If the parties desire to take discovery of electronically stored information, they will meet and confer, propose a discovery protocol to the Court, and will comply with that protocol after it is ordered by the Court.
14. Issues concerning any agreements concerning assertions of claims of attorney-client privilege or work-product protection after information is produced, including agreements under Federal Rule of Evidence 502: A Proposed Order under Rule 26(c) for a protective/confidentiality order will be submitted by **December 6, 2019**
15. Deadline for the filing of dispositive motions: **September 18, 2020**
16. Advisability and timing of judicially supervised settlement conference or alternative dispute resolution: The Parties anticipate conducting an initial mediation session per the Western District of New York Alternative Dispute Resolution Plan by **January 10, 2019**

17. Jury trial and estimated length: A jury trial has been requested by Plaintiff. The estimated length of trial is 14 days.

18. The parties reserve the right to further address the deadlines set forth above at the Rule 16 Conference.

DATED: September 27, 2019

BARCLAY DAMON LLP

By: /s/ Paul A. Sanders
Paul A. Sanders, Esq.

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SST, Inc., and Paul C. Greene*
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